

APPLICATION OF DANA WALKER TUCKER
FOR COURT CIRCUIT JUDGE
21st CIRCUIT JUDICIAL COMMISSION
ST. LOUIS COUNTY, MISSOURI

RESPONSE TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS SELECTED AS A NOMINEE.

NAME: Dana Walker Tucker



1. State your present principal occupation:

I am an attorney with the Missouri Attorney General's Office. My present title is Chief Counsel of the Eastern Region.

2. Are you at least 30 years of age? Yes.

3. (a) How long have you been a citizen of the United States? 50 years
(b) Have you been a resident of St. Louis County for at least one year immediately prior to the date of this application? Yes.
(c) How long have you been a qualified voter of Missouri? I was a qualified voter of Missouri from 1981 through 2000 at which time I moved to Florida. I have been a qualified voter of Missouri since my return in 2002 to the present.

4. Are you licensed to practice law in Missouri? Yes.

List any other states, courts, or agencies in which you are licensed as an attorney:

Eastern District of Missouri	January 1996
Illinois	April 2003
Central District of Illinois	September 2003
Southern District of Illinois	October 2003
Florida	August 2000 (retired)

5. State the date you were admitted to the Bar in Missouri? I was admitted to the Missouri Bar in April 1995.

Missouri Bar Number: #43273

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all colleges and universities you have attended, together with the dates and degrees received:

University of Missouri Columbia August 1982 - 1986 BA Communications
127 Jesse Hall
Columbia, MO 65211

St. Louis University Law School August 1991 - 1994 JD
221 N. Grand
Saint Louis, MO 63103

7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

Delta Air Lines, Inc.
P.O. Box 20706
Atlanta, Georgia 30320-6001
August 1986 – August 1990

Husch & Eppenger (currently Husch Blackwell Sanders LLP)
190 Carondelet Plaza, #600
Saint Louis, Missouri 63105
August 1994 – August 1996

Banks & Associates
415 S 18th Street
Saint Louis, Missouri 63103
August 1996 – January 2000

Gary, Williams & Parenti
221 E. Osceola Street
Stuart, Florida 34994
January 2000 – July 2002

Fox Galvin, LLC.
1 South Memorial Drive
Saint Louis, Missouri 63102
July 2002 – February 2009

Washington University School of Law
One Brookings Drive
Saint Louis, Missouri 63130
2002 – 2004

Missouri Attorney General
815 Olive Street
Saint Louis, Missouri 63101
February 2009 – present

8. If you are presently an associate circuit judge and have served for two years or longer, attach a list of ten significant cases over which you presided to completion. Set forth the style, cause number, date and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Indicate whether bench or jury tried and give a one to three sentence description of each case and its outcome.
 - (b) In addition, you may attach a list of cases you tried as an attorney in the last five years before becoming a judge. Set forth the style, cause number, date and jurisdiction and identify who you represented, whether you were first or second chair and the name and address of opposing counsel. State for each case whether bench or jury tried and give a one to three sentence description of each case and its outcome. N/A
9. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court? **Yes.**
10. If you have never served as an associate circuit judge or have served for fewer than two years, attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed. **See attached trial list.**
11. Have you briefed or argued any case in an appellate court? **Yes. I have briefed three appellate court cases before the U.S. Court of Appeals for the Eighth Circuit and successfully argued one. My co-counsel argued the second case and I am**

awaiting the Court's order on the third.

If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case. See attached appellate court case list.

12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

Over my nineteen years of practice, I have represented plaintiffs and defendants. I have taken the lead litigation role in cases involving major corporations as well as cases involving pro se litigants. I have a varied degree of litigation experience ranging from minor personal injury, to medical malpractice and pharmaceutical defense, to employment discrimination to defending our great state as an assistant attorney general. I have tried cases in various state and federal courts. As an attorney, I pride myself on being fair, diligent, patient, having the capacity to listen actively to all views, and the ability to make decisions that respect the law, the courts, my clients and my opponents. These are qualities upon which I have built my professional reputation. Because of these uncompromising qualities, I have maintained a stellar reputation among the bench, the bar and my clients.

In addition to my legal work, I manage the day to day operations of the St. Louis office of the Missouri Attorney General, consisting of a staff of seventy-two, including attorneys, paralegals, investigators and secretaries. I also take great pride in teaching trial training and acting as a mentor to our young attorneys, law school, undergrad and high school interns. If selected to be an Associate Circuit Judge in St. Louis County, I will bring to the bench a continued sense of leadership, time management, diligence, fairness and justice.

13. Have you ever been convicted of a misdemeanor or felony? I have never been convicted of a misdemeanor or felony.
14. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem or defendant ad litem? I have never been sued by a client. I was the petitioner in my divorce case.
15. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? I have never been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof.
16. Have you ever been held in contempt of court? I have never been held in contempt of court.
17. If you are or were a member of the Judiciary of the State of Missouri, please state:

Not Applicable.

- (a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct?
If yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed:
- (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary.
If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist:
- (c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? If yes, provide details:
18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct? **To my knowledge, I have never been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct.**
19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:

Missouri Bar, Member (1994-present)
 St. Louis County Bar Association, Member (2012-present)
 Mound City Bar Association, Member (2002-2009, 2013-present)
 Illinois Bar, Member (2003-present)
 National Bar Association, Member (2002-2009)
 Defense Research Institute, Member (2004-2009)

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:

As a parent of a young child in the Pattonville School District, I have spent and continue to spend a great deal of time working within the school district, including Willow Brook Elementary and Pattonville Heights Middle School. I serve on various committees as well as chairperson of the fundraising committee for Pattonville Heights. I am active in the Parent/Teacher Organization. I have also served on the Pattonville School Improvement Team, Pattonville Parental Advisory Committee and the Committee to select the Pattonville Teacher of the Year.

In addition to working in the Pattonville School District, there have been other ways

in which I have contributed to my community. My son and I have participated in Socks and Sandwiches for several years at Old Bonhomme Elementary School which services the homeless. I have spoken on several occasions to various neighborhood association and AARP groups regarding the Attorney General's Office and our role in the community.

21. Do you now hold or have you ever held any elective or appointive public office or position? Yes.

If yes, provide details:

My current position is at the appointment of the Missouri Attorney General.

22. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state:

Not applicable.

23. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received:

I have received a National Institute of Trial Advocacy Diploma 2006 and the St. Louis University Black Law Students Outstanding Attorney Award 2010. In addition, I have presented several continuing legal education courses. The following is a list of those courses:

Fox Galvin Employment Law Seminar

Stay One Up on the Competition

Missouri & Illinois Non Compete Law

2005

Employee Discipline & Termination

2006

Mound City Bar Association

Effective Client Development Strategies

Obtaining and Retaining Clients

2008

Missouri Attorney General's Office

In-house deposition training and trial strategies

2010/2011

American Bar Association

State Attorneys General:

More Than Meets the Eye

2012

Bar Association of Metropolitan St. Louis

Women In the Legal Profession

2012

Missouri Attorney General's Annual Conference

Improving Efficiency through Better Time Management and Use of Support Staff

2013

24. Furnish the names and addresses, including zip codes and telephone numbers of not more than five persons, who are not judges, as references with respect to your judicial qualifications:

Richard E. Banks
Banks and Associates
415 S 18th St
Saint Louis, MO 63103
(314) 721-4040

Matthew J. Devoti
Casey & Devoti
124 Gay Ave.
St. Louis, MO 63105
(314) 421-0763

Pamela Martin
801 Pebblefield Terrace
Manchester, MO
63021

Cheryl Manley
Vice President and Senior Counsel
Charter Communications, Inc.
12405 Powerscourt Dr
Saint Louis, MO 63131
(314) 965-0555

Richard Korn
Fox Galvin
1 S Memorial Dr Ste 1200
Saint Louis, MO 63102
(314) 588-7000

25. State any additional data you deem relevant:

- A. Public Service: I have been committed to a practice in public service for over five years. Prior to my practice in public service, I was in private practice. Although the financial aspects of private practice are more lucrative, the personal impact from knowing you are helping others far outweighs the financial challenge. Knowing that my actions have a direct impact on an individual or group ignites a desire in me that has been unmatched by any other manner of practice. Public service has enhanced my patience and my capacity to listen and make sound decisions for my clients. If selected to sit on the bench in St. Louis County, these are attributes I will definitely carry forward and apply to my daily service.
- B. Diverse Legal Experience: I am a seasoned trial attorney with nineteen years of litigation experience. Until February 2009, I was in private practice where at various times my focus was on personal injury, commercial litigation, medical malpractice, and product liability from both the plaintiff and defense perspective. Also during the course of my professional career I gained a wealth of experience in health care law litigation. Specifically in defending two of the country's top hospitals and major pharmaceutical companies in product liability, serious personal injury, and wrongful death claims.

Some of my most recognizable achievements consist of:

- Being on a trial team and obtaining one of the largest jury verdicts in the state of Florida;
 - Being named Partner at Fox Galvin, LLC. after only two and a half years with the firm;
 - Obtaining an injunction in a covenant not-to-compete dispute, saving the health care provider over \$1 million;
 - Representing an oil and gas company in multi-district litigation against "hot gas" complaints, alleging deceptive and misleading practices and conspiracy;
 - Successfully defending a complaint alleging HIV exposure against a latex glove manufacturer; and
 - Being appointed Chief Counsel for the Eastern Region of the Missouri Attorney General's Office in February 2009.
- C. Management/Leadership Experience: As a partner in a mid size law firm and as Chief Counsel of the Eastern Region of the Missouri Attorney General's Office, I have tremendously enhanced my managerial and leadership abilities. As a result of years of practical experience and these leadership roles, I am an effective listener, an educator, a problem solver, a multi-tasker, and mediator. I have strong interpersonal skills and a keen ability to relate to people—which is vital for effective communication. Most importantly, I have balanced these roles while efficiently maintaining my personal caseload. These are qualities that are imperative and that I will bring with me if selected for this esteemed position.

D. Mentoring: One of the most fulfilling aspects of my career has been the opportunity to mentor young lawyers and law students. I am actively involved in mentoring programs through the Black Law Students Association, St. Louis University and Washington University. I also take pride in managing and being extremely active in the internship program in the St. Louis office of the Attorney General. In addition to being a litigation division team leader, I am often called upon to teach trial training and deposition training to the young lawyers within our office. It is my responsibility to appreciate the challenges faced by new lawyers and to offer guidance and help whenever and however I can.

By my signature to this application, I authorize: (1) the Commission by its chairperson to obtain relevant information, including but not limited to documents, records and files with respect to my medical, police or disciplinary records, and (2) the Commission and its members to obtain additional relevant information regarding my qualifications as well as the accuracy of my responses to the questions on this application, with the understanding that the information described in (1) and (2) above is available only to the members of the Twenty-Second Circuit Judicial Commission. Notwithstanding the above, in accordance with Supreme Court Rule 10, as amended effective February 29, 2008, if I am one of the three nominees listed on the certificate of nomination sent to the Governor, I authorize the Commission to send a complete copy of this application to the Governor and publicly release a copy of the application with personal and confidential information redacted as identified on the cover page of this application.

I hereby certify that all my statements as made above are correct and that if I am appointed to the office of Associate Circuit Judge of the Circuit Court St. Louis County, I will accept the appointment, qualify, and promptly enter upon the performance of the duties of that office.

DATE: Aug. 20, 2014

SIGNED: 

Dana Walker Tucker serves as Chief Counsel, Eastern Region of the Missouri Attorney General's Office where she manages the St. Louis office. In addition to her administrative duties, she has also served as a team leader in the litigation division. Dana also maintains a personal caseload representing various governmental agencies and their employees within the State of Missouri.

Prior to her appointment, Dana was a Partner at Fox Galvin, LLC. in St. Louis Missouri where she focused on complex commercial litigation, medical malpractice, and product liability. Her background includes representation of both plaintiffs and defendants.

Dana Walker Tucker is a 1994 graduate of St. Louis University Law School and a 1986 graduate of the University of Missouri, Columbia.

State and Federal Jury Trial List
Dana Walker Tucker, Esq.

Schuberth, et al., v. Montgomery Elevator Co, et al.

Cause No. 22952-08619

Second Chair for Plaintiff

St. Louis City Court

May 1997

Defense Counsel: Eugene Buckley

Judge Michael Calvin

Wrongful Death

Matter settled during trial

Winona Blackshiers v. Darryl Harris, et al.

Cause No. 22942-08770

First Chair for Plaintiff

St. Louis City Court

August 1997

Defense Counsel: Darryl Harris

Judge Anna Forder

Personal Injury-Vehicular

Plaintiff's verdict – defense filed notice of appeal and matter was settled prior to appeal

Carrie Moore v. Johnetta Randles, et al.,

Cause No. 22960-07992

First Chair for Plaintiff

St. Louis City Court

March 1998

Defense Counsel: Connie McFarland Butler

St. Louis City

Personal Injury-Vehicular

Defense Verdict

Drenna Muhammad v. J. C. Bramlett

Cause No. 21C98-04652

First Chair for Plaintiff

St. Louis County Court

March 1999

Defense Counsel: Dennis O'Loughlin

Judge Sandra Hemphill

Personal Injury-Vehicular

Plaintiff's verdict

Terrell Fane, et al., v. Mary Lamping

Cause No. 22970-01139

First Chair for Plaintiff

St. Louis City Court

July 1999

Defense Counsel: James Barr

Judge Arthur F. Miorelli

Personal Injury-Vehicular

Plaintiffs' verdict

Anzlo Adams v. Cleo Long

Cause No. 22970-02253

First Chair for Plaintiff

St. Louis City Court

September 1999

Defense Counsel: James Barr

Judge Arthur F. Miorelli

Personal Injury-Vehicular

Plaintiff's verdict

Maggie January, et al., v. Shurlonda Clark

Cause No. 21C98-26005

First Chair – representing plaintiff Maggie January

St. Louis City Court

October 1999

Defense Counsel: Robert Coates

Judge Dennis Smith

Personal Injury-Vehicular

Plaintiff's verdict for Maggie January

Nicholas Stracick, et al., v. Walt Disney World

Orlando Florida State Court

August 2000

Three week trial – misappropriation of trade secrets

I served on a trial team that represented plaintiff against Walt Disney World

Plaintiff's verdict

Joseph Washington v. Tyson Batson and Shawn Pettigrew

Cause No. 5:07-CV-06121MJW

Second Chair for Defendant

Western District of Missouri

June 2010

Judge Matt J. Whitworth

Three day trial – excessive force, violation of section 1983, battery

I second chaired a junior attorney in defense of an employee with the department of corrections

Defense verdict

Thomas Gohn v. Owen Hill

Cause No. 4:09-CV-00769 JCH

First Chair for Defendant

Eastern District of Missouri

March 2011

Plaintiff's Counsel: Anthony Pezzani

Judge Jean Hamilton

Three day trial – excessive force, violation of §1983, battery

I defended a St. Louis City police officer.

Demand \$100,000.00

Plaintiff's verdict - \$1.00

Angela Marie Lee v. Albert Lee Borders

Cause No. 4:09CV01977TIA

First Chair for Defendant

Eastern District of Missouri

April 2012

Plaintiff's Counsel: Derek M. Rudman

Judge Adelman

Three day trial – violation of § 1983 and battery

I defended an employee of The Department of Mental Health

Plaintiff's verdict/on Appeal

David Bonenberger v. St. Louis Metropolitan Police Department Board of Police Commissioners, et al.

Cause No. 4:12-CV-00021CDP

First Chair for Defendants

Eastern District of Missouri

August 2013

Plaintiff's Counsel: Lynette M. Petruska

Judge Catherine Perry

One week trial – employment discrimination

Plaintiff's verdict

Tanisha Ross Paige v. St. Louis Metropolitan Police Department Board of Police Commissioners, et al.

Cause No. 1122-CC10917

First Chair for Defendants

St. Louis City, 22nd Judicial Circuit

March 2014

Plaintiff's Counsel: Jeremy D. Hollingshead

Judge Timothy J. Wilson

One week trial – employment discrimination

Plaintiff's verdict

Appellate Court Case List
Dana Walker Tucker, Esq.

Stanley Joseph v. Kenneth Allen, et al.

Case No. 12-2411

U.S. Court of Appeals for the Eighth Circuit

Drafted Appellee's Brief

Presented Oral Argument: March 12, 2013

Opposing Counsel: Matthew J. Devoti

10 South Broadway, Suite 825

St. Louis, Missouri 63102

Issue: Whether the District Court properly granted summary judgment based on qualified immunity and official immunity.

Judgment affirmed

S.L. Minor v. St. Louis Metropolitan Police Department Board of Police Commissioners, et al.,

Case No. 12-3193

U.S. Court of Appeals for the Eighth Circuit

Drafted portions of Appellants' Brief

Argued by colleague: March 12, 2013

Opposing Counsel: Jeffrey B. Jenson

Jenson, Bartlett & Schelp, LLC

222 S. Central Avenue, Suite 110

St. Louis, Missouri 63105

Issue: Whether Defendants were entitled to qualified immunity.

Judgment affirmed

Angela Marie Lee v. Albert Lee Borders

Case No. 13-3128

U.S. Court of Appeals for the Eighth Circuit

Drafted portions of Appellants' Brief

Presented Oral Argument: April 14, 2014

Opposing Counsel: Douglas Rudman

Rudman & Smith, LLC

2611 S. Big Bend Blvd., Suite 325

St. Louis, Missouri 63143

Issues:

1. Whether the Court violated Defendant's rights by not granting a new trial where the jury's damages award was excessive and a product of passion and prejudice.
2. Whether the District Court had a legally sufficient evidentiary basis from which to conclude Defendant acted under color of state law.
3. Whether the admission of a conflicting not approved MAI instruction violate Defendant's substantial rights.

Judgment: Pending